

**Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)  
Courtyard Oakland Airport  
350 Hegenberger Road  
Oakland, CA 94621-1445  
October 1, 2013**

**MEMBERS PRESENT:**

Ms. Denise Adams-Simms, Dr. Lourdes Baezconde-Garbanati, Dr. Wendel Brunner, Ms. Pat S. Etem, Dr. Alan Henderson, Dr. Pamela Ling, Dr. Michael Ong (Chair), Mr. Myron Dean Quon, Dr. Dorothy Rice, Ms. Peggy Uyeda, Dr. Shu-Hong Zhu

**MEMBERS ABSENT:**

Dr. Lawrence Green

**OTHERS IN ATTENDANCE:**

Dr. Bart Aoki, Tobacco Related Disease Research Program (TRDRP)  
Lynn Baskett, TEROc Master Plan Writer  
Mary Croughan, University of California Office of the President (UCOP)  
Margarita Garcia, California Department of Education (CDE)  
Dr. Phillip Gardiner, TRDRP  
Rich Heintz, Local Lead Agencies (LLA)/Project Director's Association (PDA)  
Tom Herman, CDE/Coordinate School Health and Safety Office (CSHSO)  
Dr. Jonathan Isler, CTCP  
Richard Kwong, CTCP  
John Lagomarsino, CDE  
Linda Lee, CTCP  
Cheryl A. Loehr, CTCP  
Valerie Quinn, CTCP  
Alison Ramey, American Cancer Society (ACS)  
April Roeseler, CTCP  
Nadine Roh, CTCP  
Gloria Soliz, Coalition of Lavender-Americans on Smoking and Health (CLASH)/Achieve Equity for Priority Populations on Tobacco (ADEPT)  
Greg Wolfe, CDE/CSHSO

## **1. WELCOME, INTRODUCTION, AND OPENING COMMENTS**

TEROC Chair, Dr. Ong, called the meeting to order at 9:41 a.m. TEROC members and guests introduced themselves.

## **2. APPROVAL OF MINUTES FROM THE MAY 22, 2013 TEROC MEETING, CORRESPONDENCE, AND ANNOUNCEMENTS**

Approval of the May 22, 2013 minutes with minor amendments moved by Dr. Henderson, seconded by Ms. Etem; motion passed unanimously.

The chair reviewed TEROC-related correspondence:

### **Incoming Correspondence:**

The Chair reviewed correspondence including:

- Email to Dr. Ong from Jeff Rideout of Covered California. The email notified him of the monthly plan and forums regarding the Health Benefit Exchange Model contract.
- Email to Dr. Ong from Nora Manzanilla of the Office of Los Angeles City Attorney Tobacco Enforcement Program (TEP). TEP is seeking TEROC's support for the regulation of electronic cigarette (e-cigarette) sales in the City of Los Angeles. A Committee hearing will take place in mid-October.

### **Outgoing Correspondence:**

- TEROC letter of support for Senate Bill (SB) 648 to The Honorable Ellen Corbett, Senate Majority Leader; the letter is dated June 21, 2013.
- TEROC letter of support for SB 768 to The Honorable Kevin de Leon; the letter is dated June 21, 2013.
- TEROC letter of opposition for Assembly Bill (AB) 640 to The Honorable Isadore Hall; the letter is dated June 21, 2013.
- Information shared on Tobacco Use: New Task Force Findings and Review Information Available.
- Information shared about the upcoming "E-Cigarette: The Vapor this Time?" webcast on October 3, 2013, hosted by the Tobacco Related Disease Research Program (TRDRP).

TEROC deferred discussion regarding the email from Nora Manzanilla of the Office of Los Angeles City Attorney TEP until after the e-cigarette subcommittee has reported back to TEROC.

Ms. Etem and Dr. Henderson discussed how TEROC could potentially be more active in the community and create a clear voice on how to move forward with the emerging products, such as e-cigarettes. The next TEROC Master Plan may be an avenue to create this voice.

TEROC continued with discussion regarding the California Department of Public Health's (CDPH) interpretation of Government Code (GC) Section 19130. TEROC discussed a letter to go out to Dr. Ronald Chapman, Director of CDPH. Dr. Ong suggested a more focused approach to the letter; perhaps inviting Dr. Chapman and the CDPH Office of Legal Services (OLS) to provide a report to help TEROC understand the Department's interpretation of GC 19130. TEROC also discussed soliciting an outside opinion, either through the Attorney General's Office (AG) or the Legislative Counsel. This may help create an alternative point of view and provide the Department greater flexibility in applying the permissible exemptions.

Gloria Soliz of the Coalition of Lavender-Americans on Smoking and Health (CLASH) and Achieve Equity for Priority Populations on Tobacco (ADEPT), presented a letter to TEROC and provided an overview of ADEPT's concerns. It had come to ADEPT's attention that CDPH is reinterpreting the implementation of GC Section 19130 and changing how it contracts with non-state/non-governmental entities. Although GC Section 19130 pre-dates the creation and funding of Proposition (Prop) 99 programs, it is only now that statewide programs that form the infrastructure of Prop 99, and which have been funded for more than 20 years, are in jeopardy. If these vital statewide programs no longer exist and CDPH only contracts with government agencies or State universities, California will lose some of the stalwart institutions and individuals that have made California's world-renowned tobacco control program what it is today. Ms. Soliz went on to express the serious concerns that the expertise to address issues of diverse populations will be at risk, and that the needs of valuable communities will not be addressed.

Dr. Ong thanked Ms. Soliz for her presentation.

TEROC continued discussion by questioning April Roeseler, CTCP Acting Branch Chief, regarding CDPH contracting and policy practices as they relate to GC Section 19130. TEROC also discussed the impact these contracting and policy practices are having on the CTCP statewide training and technical assistance system, evaluation and surveillance, and efforts to eliminate illegal tobacco sales to children.

TEROC expressed concern that CDPH contracting and policy practices could be disrupting and dismantling core components of the highly successful CTCP. Concern particularly centered on the statewide training and technical assistance and evaluation and surveillance components and the delay in executing a contract for the recruitment of youth decoys for tobacco sales to minors compliance checks.

TEROC was particularly concerned about the Tobacco Education Clearinghouse of California (TECC) contract ending on December 31, 2013 because CDPH has determined that this personal services contract is not

exempt under the conditions described in GC Section 19130 and that the functions of this contract can be performed by civil service employees.

**Action Items:**

- Dr. Henderson moved that TEROC schedule a meeting with Dr. Chapman, of CDPH, to help TEROC understand GC Section 19130. The motion was seconded by Ms. Etem. The motion passed unanimously.
- Dr. Ong moved that TEROC write a letter to Dr. Chapman regarding the contracting issues surrounding GC Section 19130. The letter will include an invitation to meet. Motion was seconded by Dr. Ling. The motion passed unanimously.
- Dr. Henderson moved that TEROC should make inquiries and potentially request a letter, if deemed appropriate, to the Legislative Counsel or the Attorney General's Office seeking a legal opinion on GC Section 19130 in relation to Proposition 99. The motion was seconded by Dr. Ling. The motion passed unanimously.

**3. ENVIRONMENTAL UPDATE**

**The Passing of Jane Warner, American Lung Association in California**

Friday, August 30, 2013, the American Lung Association in California lost a true visionary and leader as President and CEO, Jane Warner, died unexpectedly in Palm Springs, California. Jane was forthright and fearless in her commitment to making a difference in the lives of others, and she deeply inspired those she met with her energy, generosity, determination, and warmth. In the four short years she led the American Lung Association in California, she fought back efforts by the oil industry to weaken California's clear air laws, she battled Big Tobacco to protect the health of children and families, and she worked tirelessly to expand our programs and services in support of those suffering from lung disease. She was the face of the American Lung Association in California and an effective and vibrant leader in our mission to save lives and improve lung health.

**More Young Adults Take Up Smoking**

As California cuts spending on anti-smoking programs and tobacco companies boost their marketing campaigns, young Californians are reaching for cigarettes in increasing numbers. Reversing a trend that has lasted more than a decade, smoking among ages 18-24 has gone up from 12.3 percent in 2010 to 14.6 in 2011. Falling victim to its own success, funding to the California Tobacco Control Program has declined, diminishing the program's intensity and reach of anti-smoking campaigns and programs. Young adults seem less affected by the anti-smoking campaigns; however, they have been shown to be more sensitive to cigarette prices than older adults. Although

recent efforts to raise California's tobacco taxes have been unsuccessful, a bill that would increase the tax on each pack of cigarettes by two dollars to be used for tobacco prevention and education, tobacco disease related health care, and tobacco law enforcement can be taken up again in January 2014 by the Senate Appropriations Committee.

### **Altria Jumps into E-Cigarettes**

Tobacco company Altria Group, Inc., launched its first electronic cigarette and is expanding its smokeless product offerings. Altria said it would launch its first electronic cigarette under the MarkTen brand in Indiana starting in August 2014. MarkTen is a disposable e-cigarette but can be reused by buying a separate battery recharging kit and additional cigarettes. Altria is focusing on cigarette alternatives for future sales and has announced its plans to expand its Verve chewable, disposable nicotine disc throughout Virginia in the second half of the year and its plan to debut a gum containing tobacco in Denmark this summer.

### **R.J. Reynolds Returns to TV to Advertise 'Digital Vapor' Cigarette**

R.J. Reynolds returns to TV advertising for the first time since 1970 to back a new "digital vapor cigarette" called Vuse. The first state in an eventual national rollout, Vuse will initially only be available in Colorado starting July 1, 2014. The Colorado launch will include print, TV, and direct mail marketing. Once a big revenue driver, tobacco advertising on TV was banned in 1971. However, because e-cigarettes are not currently regulated by the Food and Drug Administration (FDA) companies have the freedom to use marketing channels unavailable to traditional smoking brands.

### **France to Ban Electronic Cigarettes in Public**

Health Minister Marisol Touraine announced that France will ban the smoking of electronic cigarettes in public places by imposing the same curbs enforced since 2007 to combat tobacco smoking.

### **E- Cigarette Use More than Double Among United States Middle and High School Students from 2011-2012**

The percentage of United States' middle and high school students who use e-cigarettes has more than doubled from 2011 to 2012, according to data published in the Centers for Disease Control and Prevention (CDC). The percentage has risen from 4.7 percent in 2011 to 10.0 percent in 2012. Altogether, in 2012, more than 1.78 million middle and high school students nationwide had tried e-cigarettes. The study also found that 76.3 percent of middle and high school students who used e-cigarettes also smoked conventional cigarettes, while only one in five middle school students who reported using e-cigarettes have never tried conventional cigarettes. This raises concern that there may be young people for whom e-cigarettes could be an entry point to use conventional tobacco products, including cigarettes.

**Study: E-Cigarettes May Give Hope to Smokers Looking to Quit**

In a study performed by Italian doctors, 13 percent of smokers who received higher dose e-cigarette nicotine cartridges were able to quit smoking after one year and, of those studied, 70 percent stopped using e-cigarettes as well.

TEROC members discussed how additional studies have been done since the completion of these studies and the outcome described in this article may now be an inappropriate characterization of e-cigarettes.

**Do Smoking Bans Apply to E-Cigarettes?**

Where exactly can travelers smoke e-cigarettes? The answer is still not clear. The confusion about where you can or cannot smoke e-cigarettes has posed a challenge for the travel industry. Airports and hotels are generally on their own when deciding how to deal with e-cigarettes.

Dr. Baezconde-Garbanati added that, while traveling, she observed that the Southwest magazine on the airplane specifically stated that e-cigarettes and smoking devices are not allowed.

**FDA Backs Low-Nicotine Cigarette Research as it Weighs New Regulatory Power**

A study is being conducted at the University of Pittsburgh and nine other sites nationwide to help answer the question: How much does nicotine need to be reduced in cigarettes to make them less addictive? Nearly 850 participants around the country will smoke cigarettes containing a wide range of nicotine. After six weeks, researchers will ask them not to smoke for a day to see if they suffer withdrawal symptoms, as well as follow up on changes in smoking habits, sleeping habits, and ability to concentrate. This study has taken on renewed urgency now that the FDA has the authority to regulate the amount of nicotine in cigarettes.

Dr. Baezconde-Garbanati and Dr. Ling discussed the FDA and the National Institutes of Health (NIH) awards of up to \$53 million to Tobacco Centers of Regulatory Science (TCORS) to fund tobacco-related research in fiscal year 2013 - 2014. TCORS proposals were selected for funding based on scientific and technical merit determined by NIH scientific peer review, availability of funds, and relevance of the proposed projects to program priorities.

Dr. Baezconde-Garbanati and Dr. Ling were proud to announce that Stanton A. Glantz, University of California, San Francisco (UCSF); Jonathan Samet, M.D., University of Southern California (USC); Michael P. Eriksen, Ph.D. of Georgia State University; Caryn Lerman, Ph.D., University of Pennsylvania; and several others were awarded the funds. These programs will be researching for the next few years to study: diversity of tobacco products, reducing addiction, reducing toxicity and carcinogenicity, adverse health

consequences, communications, marketing of tobacco products, and economics and policies.

### **Starbucks Bans Smoking Within 25 Feet of Stores**

As of June 1, 2013, Starbucks is banning smoking within 25 feet of its stores, affecting the majority of company-owned Starbucks stores in the United States and Canada, nearly 7,000 stores.

### **TEROC Presentation at American Public Health Association (APHA), Boston**

Dr. Baezconde-Garbanati announced that the TEROC Abstract submitted to the APHA regarding the TEROC Master Plan submitted in February of 2013 had been accepted and TEROC has been invited to give a poster presentation at the meeting in November. The poster presentation will take an interesting approach to the Master Plan by explaining that the fight is not finished and there are still issues in tobacco control that need attention. Dr. Ling will give the presentation since Dr. Baezconde-Garbanati will be receiving an award at APHA during the same time-slot.

## **4. E-CIGARETTE SUBCOMMITTEE REPORT**

Dr. Ling reported the discussions of the e-cigarette subcommittee to TEROC. The subcommittee was comprised of Dr. Zhu, Dr. Brunner, and Dr. Ling. The subcommittee was initially created to explore the issue of e-cigarettes to inform, educate, and to provide recommendations to TEROC. The subcommittee invited Dr. Gardiner, TRDRP, and Rachel Grana (UCSF) to provide expertise in the area of e-cigarettes.

The committee met twice between May 22, 2013 and October 1, 2013.

Several questions, brought forward by CTCP, were discussed:

- Should e-cigarettes be subject to the tobacco excise tax?
- Should e-cigarettes be subject to the federal radio and television ban?
- Should the flavored cigarette ban apply to these products?
- Should the self-service display ban be applied to these products?
- Should these products be allowed to be advertised as cessation devices and should TEROC put a call for the Federal Communications Commission (FCC) to take action on the advertising and the FDA to step up in terms of regulating these products?

The members discussed these issues and came to realize there were very mixed opinions on the subject. The subcommittee agreed that e-cigarette use can undermine social norm change relating to tobacco use, harm reduction, and use as a gateway device. They agreed that TEROC needs to act with urgency regarding this rapidly growing issue.

The subcommittee members wanted to present several topics to TEROC, including:

- Surveillance
- Science behind e-cigarettes
- Legislative issues and policy work at local levels
- Definition of the word “tobacco product” in legislation

UCSF is currently analyzing the definitions of “tobacco products” in regards to policy.

TEROC has already adopted a position statement on e-cigarettes which states, “TEROC opposes the use of e-cigarettes in all areas where other tobacco products are banned.” The subcommittee discussed how proactive TEROC should be with disseminating this statement to the public.

The subcommittee requested updates on current e-cigarette actions performed by CTCP, California Department of Education (CDE), and TRDRP. This update would be in addition to the normal reporting of the 2012-2014 TEROC Master Plan objectives.

Dr. Ling and Ms. Etem discussed the potential of TEROC creating a position paper regarding TEROC’s stance on e-cigarettes, in addition to the statement that has already been provided. This position would help to support local efforts and strengthen the infrastructure of tobacco control.

TEROC discussed the question of distinguishing “smoke” vs. “vapor.” The e-cigarette companies want to make a clear distinction between the two. Dr. Henderson questioned the components of the vapor. Dr. Gardiner provided a brief overview of the makeup of vapor, including particulate matter, volatile organic compounds, trace amounts of carcinogens, propylene glycol, flavoring and nicotine.

Mr. Wolfe believes TEROC should take immediate action. He believes that California’s youth are using electronic nicotine delivery devices and becoming addicted to nicotine. Youth are not utilizing these devices as a means of cessation; the devices are acting as a new avenue to nicotine addiction. CDE believes TEROC should take a more active role in prohibiting use of electronic nicotine delivery devices. CDE would appreciate support from TEROC to help solidify local policy regarding electronic nicotine delivery devices. Dr. Brunner, Dr. Baezconde-Garbanati, and Ms. Etem were in agreement that TEROC should take a position in support of CDE.

Dr. Zhu and Dr. Gardiner continued by discussing whether or not e-cigarettes have the potential to be used as a cessation device or as a gateway to addiction for youth.



### **Action Items:**

- Ms. Etem moved that TEROC write a comprehensive letter to CDE, reiterating TEROC's position on e-cigarettes; the letter should include CDC's data on the rise of youth using e-cigarettes. Dr. Baezconde-Garbanati seconded the motion. The motion passed unanimously.
- Ms. Etem moved that TEROC write a letter of support to the City of Los Angeles to present at their committee hearing on regulating e-cigarette sales. Dr. Baezconde-Garbanati seconded the motion. The motion passed unanimously.

## **5. VOLUNTARY HEALTH AGENCY UPDATE**

Alison Ramey of the American Cancer Society (ACS) provided the Voluntary Health Agency Update.

The first year of the two-year legislation session wrapped up on September 12, 2013. The focus at the end of session was on minimum wage, license plates and final Affordable Care Act (ACA) Implementation legislation.

Ms. Ramey discussed two bills that had been signed by Governor Brown:

### **Assembly Bill (AB) 352 (Hall – D, Compton) – Foster Care: Smoke-Free Environment**

AB 352 would prohibit the use of tobacco in homes that provide residential care for foster youth, including in garages, bathrooms, and cars. AB 352 was approved by Assembly Governmental Organization Committee on April 16, 2013 with a vote of 5-2. The bill was then heard in the Assembly Human Services Committee on April 24, 2013 where it was approved unanimously. AB 352 was approved 12-5 by the Assembly Appropriations Committee on May 8, 2013 and approved by the full Assembly with a vote of 51-19 on May 16, 2013. The bill was then approved unanimously by the Senate Human Services Committee on June 11, 2013. It was then approved by the full Senate by a vote of 24-8 on August 19, 2013. It was then sent back to the Assembly for approval of amendments where it was approved 55-20 on August 22, 2013. The Governor signed this bill into law on September 9, 2013 and it will be effective on January 1, 2014.

### **Senate Bill (SB) 680 (Wolk – D, Davis) – Tobacco Settlement Fund**

SB 680 was amended on April 1, 2013 to require non-participating tobacco manufacturers (those who did not sign on to the Master Settlement Agreement in 1998) to either join the Master Settlement Agreement, or to place a specified amount into a specified fund. SB 680 was unanimously approved by the Senate Judiciary Committee on May 7, 2013. This bill was approved unanimously by the full Senate on May 20, 2013. SB 680 was then

approved unanimously by the Assembly Judiciary Committee on June 25, 2013. The bill was then approved unanimously by the full Assembly on August 5, 2013. The Governor signed this bill into law on August 27, 2013 and it will go into effect January 1, 2014.

Ms. Ramey went on to discuss bills to be revisited in 2014 (Two-Year Bills):

**AB 320 (Nazarian – D, Los Angeles) – Tobacco Use in Schools**

AB 320 sought to prohibit the use of tobacco in all K-12 schools. This bill was held in the Assembly Appropriations Committee.

**AB 746 (Levine – D, San Rafael) – Smoking: Prohibition in Multifamily Dwelling**

AB 746 would have prohibited smoking in all multi-family residences including patios and balconies. This bill failed to be approved by the Assembly Housing and Community Development Committee by a vote of 2-5 on April 17, 2013. The American Lung Association in California (ALAC) is the sponsor of this legislation.

**AB 1142 (Bloom – D, Santa Monica) – Smokefree Beaches and Parks**

AB 1142 would have prohibited the use of cigarettes, cigars and other tobacco products at state beaches and parks. This bill was approved 9-6 by the Assembly Water, Parks, and Wildlife Committee on April 16, 2013, but failed to be approved by the Assembly Governmental Organization Committee by a vote of 6-8 on April 24, 2013.

**SB 648 (Corbett – D, San Leandro) – Electronic Cigarettes: Restriction of Use and Advertising**

SB 648 would prohibit the use of e-cigarettes in all areas where cigarettes are prohibited by state law. This includes day care facilities, public buildings, retail food facilities and health facilities. It also extends the prohibitions on the advertising of tobacco products to include the advertising of e-cigarettes. The bill passed through numerous committees until it reached the Assembly Governmental Organization Committee. The bill was not heard because the votes were not there. There are intentions to bring the bill back next year.

**SB 768 (de Leon – D, Los Angeles) – Cigarette and Tobacco Product Taxes**

SB 768 was amended on April 17, 2013 to impose a \$2 tax on a pack of cigarettes. The revenue will be used to fund proven and effective tobacco prevention and cessation programs, as well as improved access to health care for low-income families. The bill was held in the Senate Appropriations Committee with several other tax bills.

Ms. Etem asked if the voluntaries had a position on e-cigarettes; Ms. Ramey answered that ACS, American Heart Association (AHA) and ALAC do not yet have a position.

The Chair thanked Ms. Ramey for her presentation.

## **6. CALIFORNIA DEPARTMENT OF EDUCATION REPORT**

Mr. Herman, Mr. Wolfe, and Mr. Lagomarsino presented the CDE update and activities related to the 2012-2014 Master Plan.

County TUPE Coordinators met on September 26, 2013. CDE thanked Dr. Baezconde-Garbanati for her participation in the meeting.

The Coordinated School Health and Safety Office (CSHSO) and CDPH/CTCP staff met on June 21, 2013 and again on September 5, 2013. The two agencies continued to discuss agency priorities and legislation (AB 320). New topics of discussion included CTCP's "Tobacco and Its Impact in My Community Photo" contest. Contest related documents were sent to all County TUPE Coordinators. Linda Lee, CTCP Policy Consultant, spoke at the September 25, 2013 Statewide TUPE Coordinators meeting about the photo contest to ensure broad school participation.

The CDE representative to the Scientific Advisory Committee for the TRDRP participated in the June 3-4, 2013 meeting to discuss the Cycle 23 Call for Application and recommendations for a "Paradigm Shift" in meeting 21<sup>st</sup> century challenges in tobacco control.

The CDE approved payment of invoices for a contract with the University of California, San Francisco (UCSF) to support school costs related to participating in a TRDRP School Academic Research Award (SARA) grant. The UCSF researchers (Bonnie Halpern-Felsher, Ph.D., et al) are developing and testing a toolkit containing a set of youth development modules applied to school-based tobacco control and education efforts.

At TERO's request, the CSHSO prepared charts showing the statewide distribution of TUPE Tier 2 grantees and the prevalence of priority populations and tobacco use prevalence disaggregated by local educational agency (LEA). The same information was presented separately for each of Cohort E, F, G, H, and I. A number of observations about the distribution of TUPE grants as it relates to serving priority populations can be made.

1. Student eligibility for Free and Reduced Priced Meals (FRPM) programs serves as a proxy measure of family poverty. On average, California LEAs serve 57.5 percent of students who receive FRPM. In comparison,

- 42 percent of all Tier 2 grantees have more than 57.5 percent of their students participating in FRPM.
2. On average, California LEAs serve 6.4 percent of students who are African American. In comparison, 16 percent of all Tier 2 grantees have more than 6.4 percent of African American students participating in the TUPE program.
  3. Similarly, 26 percent of all Tier 2 grantees have more than the statewide average of Hispanic or Latino students participating in the TUPE program.
  4. 100 percent of the Cohort G Tier 2 grantees are serving students from one or more of the priority populations listed in TEROC's Master Plan. Starting in 2011, TUPE applicants were required to target priority population students.
  5. In 2012, 94 percent of the Cohort H Tier 2 grantees served students from one or more of the priority populations listed in TEROC's Master Plan. Half of Cohort H Tier 2 grantees are serving a very large number of youth receiving FRPM.
  6. In 2013, 93 percent of the Cohort I Tier 2 grantees served students from one or more of the priority populations listed in TEROC's Master Plan. More than half of the Cohort I grantees are serving a very large number of youth receiving FRPM. Nearly 60 percent of Cohort I grantees are serving a high prevalence of American Indian youth.

Dr. Brunner led a discussion regarding health inequity in Contra Costa County. Dr. Brunner noted that the San Ramon Valley Unified School district receives more funding compared to the rest of Contra Costa County and that they are able to obtain these funds because they are an affluent area and can hire expert grant writers. Therefore, he believes a competitive grant process may not be the best way to distribute funds. It might be more beneficial to distribute funding by targeting areas of high smoking and tobacco use rates.

TEROC and CDE continued to discuss the current method of funding and how the approach should be taken with health equity in mind. Dr. Ong noted that the totality of the changes cannot come from CDE. The change may have to take place by partnering with other departments and local communities and collectively developing potential ways to address the disparities.

CDE is adding to the California Healthy Kids Survey (CHKS) core module that will collect data about the prevalence of e-cigarette use during the past 30 days in grades 7, 9, and 11.

Ms. Uyeda asked whether or not the data that has been presented to TEROC is also provided to the county coordinators so they can share successes and learn from each other. CDE confirmed that the information is shared with county coordinators.

The Chair thanked Mr. Herman and Mr. Wolfe for their presentation.

## **7. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, CALIFORNIA TOBACCO CONTROL PROGRAM REPORT**

Ms. Roeseler presented the CDPH/CTCP update.

On May 29-30, 2013, CTCP hosted an in-person Retail Campaign Data Collection Training that included more than 200 participants from local tobacco control programs as well as nutrition and alcohol prevention partners from state and local agencies. Participants learned how to administer store surveys as well as how to train their local coalition and volunteers on how to conduct the surveys.

Retail data collection was completed in more than ten thousand stores. Every single local health department in California participated in the collection. The Tobacco Control Evaluation Center (TCEC) at University of California, Davis (UCD) and CTCP are working on providing Local Lead Agencies (LLAs) statewide data. As LLAs complete their store surveys and submit their data, TCEC and CTCP are cleaning the data and providing each LLA with a uniform template of descriptive statistics. This data will provide valuable information for the Communities of Excellence (CX) Needs Assessment, for coordinated statewide press releases in early 2014, and for ongoing evaluation of the campaign's effectiveness.

The 2011 California Tobacco Advertising Survey (CTAS) was approved for release by CDPH in August, 2013. Key findings include:

- Tobacco ads at children's eye level were found in 34 percent of stores, which was a significant increase from 2008.
- Tobacco ads near candy were found in 9 percent of stores, which was a significant increase from 2008.
- E-cigarettes were sold in 12 percent of stores and nearly one third of those stores featured self-service displays.
- The annual increase in cigarette prices was significantly lower at pharmacies than at all other types of stores.
- Racial/ethnic and socioeconomic disparities in the visibility and price of menthol cigarettes persist. Menthol cigarettes were advertised more and cost less in African-American neighborhoods and in low-income neighborhoods.

The CX Training was held on September 26-27, 2013 in Sacramento. CTCP overhauled the CX needs assessment process so it now contains a social disparity capacity assessment, allowing each county to take a hard look at, and a chance to improve their efforts to, reduce tobacco-related disparities. All participants left with the knowledge of how to complete a CX needs

assessment. The manual contains the new list of CX indicators and assets, the worksheets needed to complete CX with coalition and community members, and several resources to help educate coalition members about the CX process.

Effective December 31, 2013, the TECC contract with CDPH will end. CTCP is endeavoring to find state agencies who can replicate the services.

In June, CTCP assisted LGBT partners with media outreach regarding the disproportionate impact of tobacco on the LGBT community. LGBT partners are now also able to use a new video, "Speak Up! LGBTs and Tobacco", in their educational efforts. The video debuted in late June at the largest LGBT film festival in the world, FrameLine37, in front of a live audience at the Castro Theater in San Francisco. "Speak Up! LGBTs and Tobacco" is available on TobaccoFreeCA.com and YouTube/TobaccoFreeCA. In addition, CTCP created an infographic on LGBT and tobacco, which has been used by partners and posted on the TobaccoFreeCA Facebook page and website.

The CTCP Health Equity Summit *Advancing Health Equity in Tobacco Control* was held June 25-26, 2013 at the Hyatt Regency in Sacramento, California. Prevention Institute partnered with CTCP on the summit and did an outstanding job. Prevention Institute is currently finalizing the summit findings report and CTCP expects the report to be approved by the Department by the end of the 2013 calendar year.

The California Smokers' Helpline (CSH) created a program designed to encourage tobacco cessation through text messaging. The free service was launched on July 8, 2013 and has served 23 clients to date. Participants register for the program online via the CSH website at nobutts.org. The program begins with tailored messages sent daily for the initial two weeks timed to correspond with the client's registration or quit date; the messages taper off over time.

The CSH created a web-based referral system to provide health professionals with a quick and easy method for referring patients who use tobacco to free, clinically proven cessation services.

In August, CTCP reported two observations to the California Attorney General's Office (AG), Tobacco Litigation Unit for possible investigation. The first was the identification of the product CigaFizz. This chocolate flavored nicotine product was found by the County of San Luis Obispo, Tobacco Control Program during their retail data collection. In addition to reporting this product to the AG's Office, a Potential Violations Product Report was filed with the FDA, Center for Tobacco Products. The second observation was signage at Six Flags Marine World advertising BLU e-cigarettes and a designated e-cigarette smoking area at this no-smoking park. People were

also observed smoking combustible cigarettes in the e-cigarette area and there was no enforcement of the Park's no-smoking policy. The AG's office sent a letter to Lorillard regarding the signage as a potential violation of the Master Settlement Agreement.

CTCP is conducting the "Tobacco and Its Impact in My Community" photo contest. This intervention is funded through Year 5 of the CDC Cooperative Agreement and is also being sponsored by the ACS Cancer Action Network. This activity involves a photo contest to collect images that "tell the story" of tobacco control issues that significantly impact youth and disadvantaged communities. The CDE/CSHSO, TUPE Program is also helping to promote the contest.

The CTCP photo contest consists of four categories: 1) Stores near schools, 2) Secondhand Smoke (indoors and outdoors), 3) Cigarette butt litter, and 4) "What's wrong with this picture?" The Selection Committee to identify the photo winners will include representatives from ACS, CDE/CSHO, CDPH, California Youth Advocacy Network (CYAN) and TERO. The contest is being promoted through schools, youth organizations, local health departments, and the Finish the Fight Against Tobacco Facebook pages. All photo submissions will be exhibited online (this may include the Fight Tobacco Facebook page, the TobaccoFreeCA Facebook page, as well as the CDPH and CTCP websites). Winners will be announced prior to the Great American Smokeout, scheduled for November 21, 2013.

The CTCP Procurement Managers are currently closing out grants and contracts that ended June 30, 2013.

CTCP has several vacant positions and is looking forward to filling them.

CTCP has been working with ChangeLab Solutions, CYAN, and other partners to create a model policy and tools for regulating e-cigarettes. ChangeLab Solutions and CYAN have put on informational webinars. The Center for Tobacco Policy and Organizing is now tracking the number of tobacco retailer licensing ordinances that include e-cigarettes.

CTCP modified indicators for the CX needs assessment process to include e-cigarettes and other electronic nicotine delivery devices.

Ms. Roeseler will be working with Frank Chaloupka on a retail data collection pilot project regarding tobacco retail licensing (TRL) & vaping devices. They will obtain business lists from the Board of Equalization (BOE). Currently, data are collected by utilizing TRL lists; however, there are many stores selling e-cigarettes and vaping devices that do not have tobacco licenses.

Dr. Ong discussed the logistics of planning a meeting with Dr. Chapman regarding CDPH contracts and GC Section 19130. He indicated that it would be constructive to have this meeting before the end of October, 2013.

Mr. Quon suggested TERO approach CDPH OLS with a request for candid conversation. More specifically, he proposed an open and honest discussion, free of elaborate legal jargon.

**Action Item:**

Dr. Ong made a motion to convene a subcommittee to discuss and plan the meeting with Dr. Chapman. Dr. Zhu seconded the motion. The motion passed unanimously. The subcommittee members will be:

- Ms. Etem
- Dr. Baezconde-Garbanati
- Mr. Quon
- Dr. Zhu

The Chair thanked Ms. Roeseler for her presentation.

**8. UNIVERSITY OF CALIFORNIA OFFICE OF THE PRESIDENT  
TOBACCO RELATED-DISEASE RESEARCH PROGRAM REPORT**

Dr. Aoki and Dr. Croughan presented on behalf of TRDRP.

TRDRP announced the funding of 33 Cycle 22 grant awards (22 percent of applications). The majority of all the awards are for either full research project grants (14/42 percent) or exploratory and developmental grants (6/18 percent). As in previous years, career development awards comprise a large number of the funded grants (11/33 percent). Two pilot community-academic research awards (2/6 percent), but no school-academic research awards, were funded.

Seven pilot Community Academic Research Awards (CARA) applications were received in Cycle 22, which was an increase over previous applications received during 2005-2011, but lower than in 2012. There are plans for added technical assistance and training for this grant type during the next cycle.

Overall, fewer grants are being funded and this trend is expected to continue through 2014. The Scientific Advisory Committee is now beginning a planning process for the 2014 call for applications.

The Cycle 23 call for applications included the following recurring research priorities:

1. Environmental Exposure/Toxicology



2. Early Diagnosis/Pathogenesis
3. Regulatory Science/New Products
4. Disparities/Prevention/Cessation/Nicotine Dependence
5. Industry Influence/Policy

The Cycle 23 call for applications also called for the following grant mechanisms:

- Career Development (moved earlier to notify students and postdoctoral by April or May of each year)
  - Postdoctoral
  - Dissertation
- Single Investigator
  - Research Project
  - Exploratory and Developmental
- Participatory and Collective
  - Pilot CARA and School Academic Research Awards (SARA)
  - Full SARA and CARA
- Special Projects
  - Research Dissemination
- Build Diversity
  - Hopper Supplements

TRDRP will hold a live webcast on October 3, 2013: “Electronic Cigarettes: The Vapor This Time?” TRDRP has finalized plans for a live webcast that will address the current state of knowledge regarding e-cigarettes. This will include framing the evolution and development of these products, e-cigarettes “101”, research on chemical composition and exposure, evidence on cessation and harm reduction, and future directions for research. At the time of this report, 1,150 individuals from seven different countries were already registered for the webcast.

On September 26, 2013, Dr. Norval Hickman presented “21st Century Challenges: The Emerging Nicotine and Tobacco Landscape” at the TUPE Coordinators meeting.

The program is also re-instituting a one-day training for community/school and academic research partners planning to submit a CARA or SARA application in 2014. Training participation is recommended, but not required to submit an application and is scheduled for February 13, 2014.

TRDRP is involved in planning/sponsoring several program activities for the 2014 Society for Research on Nicotine and Tobacco (SRNT) meetings in Seattle. The program will include a plenary debate on the research evidence and policies related to e-cigarettes and a symposium proposal on the current research evidence and policy implications on Thirdhand Smoke. The symposium titled, "Thirdhand Cigarette Smoke: Chemistry, Exposure,

Toxicity, Risk Assessment and Policy Implications" will disseminate TRDRP-funded research on thirdhand smoke. It will also include researchers from other states as well. More than 24 authors from the TRDRP-funded thirdhand smoke research consortium have submitted ten research abstracts to present their results. The plan is to organize four presentations and a panel discussion for a 90-minute symposium session. Six other abstracts are being submitted for consideration for poster presentations.

Dr. Croughan discussed budget reviews throughout the program. The Office of Research and Graduate Studies (ORGS) has convened a Portfolio Review Group (PRG) composed of UC faculty and administrators to review the benefits and value of the system wide research programs administered centrally through the Office of the President. Statewide programs have been included in this review with the intent of the PRG having information and appreciation for the entire scope of the UC Office of the President's (UCOP) research grant portfolio and responsibilities as well as their contributions to the state of California and the UC system. The program has been involved in gathering and summarizing program data for this purpose and that will also be useful for evaluating the program's overall outcomes and impacts.

TRDRP is looking ahead to update and revise research priorities and grant types in 2014. The program is particularly looking forward to coordinating these with the new TEROC Master Plan.

Dr. Aoki was pleased to mention the UC implementing a tobacco-free policy system wide. TRDRP has been involved in the system-wide taskforce. Dr. Ong mentioned that UC Irvine had proposed a policy banning the smoking of tobacco at UC Irvine locations, but permits the use of smokeless tobacco products and unregulated nicotine products, including e-cigarettes. This proposal to allow the use of smokeless tobacco products and unregulated nicotine products directly contradicts the key elements specified in the directive from UCOP.

Ms. Etem wondered how more programs could overcome barriers to receive funding; she also wondered who received funding and who did not, and what the gap is. Ms. Etem asked if TRDRP would please provide a report regarding the CARA and SARA grants detailing who applies, in what subject areas, and who is actually awarded the grants. Dr. Croughan mentioned that some of the barriers can be overcome by taking advantage of the educational trainings on how to apply for funding. She also discussed an update of the review system. Dr. Ong discussed the importance of academics partnering with the community organizations.

**Action Item:**

Dorothy Rice moved that TEROC write a letter to Michael V. Drake, Chancellor of UC Irvine regarding implementation of the University's smoke-free policy, with a cc: to Jack Stobo and Janet Napolitano at UCOP. The motion was seconded by Alan Henderson. The motion passed unanimously.

The Chair thanked Dr. Aoki and Dr. Croughan for their presentation.

## **9. MASTER PLAN 2015-2017**

Dr. Ong introduced Lynn Baskett, the newly hired Master Plan writer.

Ms. Baskett provided a brief overview of her curriculum vitae. Ms. Baskett has vast experience in the healthcare field.

Dr. Ong provided a brief timeline for the development of the 2015-2017 Master Plan.

TEROC discussed the Master Plan survey that was sent by Richard Kwong of CTCP. The purpose of the survey is to solicit input from CDPH, CDE, and TRDRP regarding the Master Plan content.

TEROC suggested adding the following questions to the survey:

- The field's priorities
- Whether or not the Master Plan has been shared with the media
- How the Master Plan has been used in general
- Whether or not it is used to orient new employees
- Whether or not it is shared with other partners

Ms. Baskett identified the key Master Plan areas of focus to be discussed at the December meeting:

- Which objectives are to remain the same
- Which objectives can be modified
- Which objectives can be combined
- How to incorporate e-cigarettes

### **Action Items**

TEROC decided to individually provide input to Richard Kwong by Friday, October 4, 2013 so the survey can be distributed on Monday, October 7, 2013.

TEROC created a Master Plan Subcommittee to identify areas of focus for the 2015-2017 Master Plan. The Master Plan subcommittee is comprised of:

- Dr. Ong
- Dr. Henderson

Dr. Green will be invited to join the subcommittee.

**10. PUBLIC COMMENT**

No public comment.

Dr. Ong moved to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 4:00 PM.

A two-day TEROC meeting will be scheduled for December 2013.